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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed December 17, 2004. In the Office Action, the Examiner notes that claims 1-24 are pending, of which claims 1-24 are rejected. By this response, claims 1, 13 and 19 are amended, claims 22-24 are canceled, and claims 2-12, 14-18 and 20-21 continue unamended.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

### **Rejection under 35 U.S.C. §103**

#### **Claims 1-2, 6-13, 16-20, 22 and 24**

The Examiner has rejected claims 1-2, 6-13, 16-20, 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Fries (US-PGPUB 2002/0035728 A1, hereinafter "Fries") in view of Matthews (U.S. Pat. #6,025,837, hereinafter "Matthews"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites (independent claims 13, 19 and 22 recite similar limitations):

"A method for providing interactive program guide (IPG) to a terminal, the method comprising:  
broadcasting a plurality of IPG pages including program listings associated with at least one time slot to said terminal;  
receiving a request message from the terminal for at least one IPG page, including program listing associated with at least one different time slot from the broadcasted IPG pages;  
encoding the requested IPG page;  
assigning the encoded IPG page with a particular packet identifier (PID); and

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sending the encoded IPG page a limited number of times in response to receiving the request message." (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The combination of Fries and Matthews fails to teach or suggest the Applicants' invention as a whole.

The Fries reference discloses "for any page, it is possible to include a link that tunes the set-top box 28 to a video channel rather than a link to another page. To this end, the Information Service facilitates interaction with a programming guide (e.g., PreVue). The exact behavior of the link depends on the type of video program that is selected. If the link selects a channel with no time (of day) associated therewith, or selects a channel with a time that indicates a currently available program, the set-top box immediately tunes to the selected channel. If the associated time is in the future, the user is presented with a programming guide pop-up window and prompted to add the program to a timer for timed viewing thereof. If the program is a pay-per-view event, the user is prompted to buy the event, and, if purchased, the browser 60 either tunes to the channel or adds the program to the timer." (see Fries, Par. 0094).

Furthermore, the Matthews reference fails to bridge the substantial gap as between the Fries reference and the Applicant's invention. In particular, the Matthews reference discloses "the data to fill the various tiles and windows is supplied by the headend 22 from the EPT server 44. The data maintained in data structure 48 (FIG. 2) is transmitted as program records to the user interface unit and cached in local memory. Data records for upcoming programs can be downloaded on a periodic basis, or alternatively, individual data records for certain programs and channels can be selectively transmitted in response to viewer requests. The EPG 104 inserts the appropriate data records into the EPG U1 for display as the viewer

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maneuvers the focus frame 126 around the grid". (see Matthews, Col. 9, Lines 45-55).

Even if the two references could somehow be operable combined, the combinations would merely disclose a browser in a set top terminal that is capable of requesting an interactive program guide. However, nowhere in the combined references is there any teaching or suggestion of "broadcasting a plurality of IPG pages including program listings associated with at least one time slot to the terminal," and "receiving a quest message from the terminal for at least one IPG page including program listings associated with at least one different time slot from the broadcasted IPG pages." In other words, the Applicant's invention is capable of receiving both broadcasted IPG pages, as well as requesting IPG pages not associated with the broadcasted IPG pages. Therefore, the combined references fail to teach or suggest the Applicant's invention as a whole.

As such, the Applicants submit that independent claims 1, 13, and 19 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2, 6-12, and 16-18 depend directly or indirectly from independent claims 1, 13, and 19 and recite additional features thereof. As such, and at least for the same reasons as discussed above, the Applicants submit that claims 2, 6-12, 16-18, and 20 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejections be withdrawn.

**Claims 3-5, 14-15, and 21**

The Examiner has rejected claims 3-5, 14-15, and 21 under 35 U.S.C. §103(a) as being unpatentable over Fries, in view of Rocher (U.S. Pat. #3,754,211, hereinafter "Rocher"). The Applicants respectfully traverse the rejection.

Claims 3-5, 14-15, and 21 respectfully depend from independent claims 1-13 and 19, and recite additional features thereof. In particular, claims 3-5, 14-15, and 21 recite in part

"A method for providing interactive program guide (IPG)  
to a terminal, the method comprising:  
broadcasting a plurality of IPG pages including program  
listings associated with at least one time slot to said terminal;

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receiving a request message from the terminal for at least one IPG page, including program listing associated with at least one different time slot from the broadcasted IPG pages;  
encoding the requested IPG page;  
assigning the encoded IPG page with a particular packet identifier (PID); and  
sending the encoded IPG page a limited number of times in response to receiving the request message." (emphasis added).

As discussed above, the combination of Fries and Matthews merely discloses a browser in a set top terminal capable of requesting IPG pages from a service provider. Furthermore, the Rocher reference merely discloses "In response to receipt of this message block, terminal B transmits an ACK message back to terminal A which then initiates a switching of the synchronization state at terminal A from odd to even. After switching to the even state, terminal A transmits message block D2(E) to terminal B. In a similar manner, as with respect to D1(O), terminal B continues to acknowledge for all properly decoded messages by responding with an ACK message." (see Rocher, Col. 4, Lines 37-46).

Even if the three references could somehow be operably combined, the combination would merely disclose using a browser at a set top terminal to request an IPG page from a service provider, and receiving acknowledgement of such request. However, nowhere in the combined references is there any teaching or suggestion of "broadcasting a plurality of IPG pages including program listings associated with at least one time slot to said terminal," and receiving a message from the terminal for at least one IPG page including program listings associated with at least one different time slot from their broadcasted IPG pages." Therefore the combined references fail to teach or suggest the Applicant's invention as a whole.

As such, the Applicants submit that claims 3-5, 14-15, and 21 are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, the Applicants respectfully request that the rejection be withdrawn.

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### SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

### CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, is anticipated or obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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